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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,820	10/22/2001	Shigeru Ando	Q66842	8284

7590 07/29/2004

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EXAMINER	
AN, SHAWN S	

ART UNIT	PAPER NUMBER
2613	

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/982,820	ANDO ET AL.	
	Examiner	Art Unit	
	Shawn S An	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) *7-10* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention: **five** distinct species as depicted in figures 1, 10-12, and 17, respectively.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species on the basis of the corresponding figures listed above, and to indicate to the Examiner which of the claims 1-10 read on the elected figures of the disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is considered generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(l).

Response to Election/Restrictions

2. Applicants elect without traverse, the species I, which reads on claims 1-6 as authorized by Applicants' Attorney, Susan Pan (41,239) by telephone on July 27, 2004.

The requirement is deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Shimamura et al (5,713,054).

Regarding claim 1, Shimamura et al discloses a film loader for separating one film from a plurality of films and supplying the film to an image reading apparatus for reading image recorded on the film, comprising:

a film loading section for loading a spliced film in which the plurality of films are connected in a longitudinal direction thereof (Fig. 2, 42);

a film feeding portion for feeding a head portion of the spliced film loaded with the film loading section (Fig. 2, 41);

a joint detecting section (Fig. 2, 1A, 1B) for detecting a film joint portion between a first film and a second film in the spliced film on the basis of information from the joint detedction section;

a film separating section (Fig. 2, 44) for separating the first film from the spliced film on the baisi of information from the joint detecting section; and

a film transporting portion for transporting the first film separated from the spliced film to a reading transport path provided at the image reading apparatus (col. 11, lines 60-65).

Regarding claim 2, Shimamura et al discloses the spliced film that is taken up in roll form in advance being loaded (Fig. 2, 42).

Regarding claim 4, Shimamura et al discloses the film separation section separates the first film from the spliced film by cutting a position vicinity of the film joint portion (col. 3, lines 59-65).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 3 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimamura et al (5,713,054) in view of Shiota (5,212,512).

Regarding claim 3, Shimamura et al does not specifically disclose a loop forming section, which is provided at a downstream side with respect to the separating apparatus along a transportation direction of the film, and by which the film transported is bent along a substantially thickness thereof so as to form a loop-shaped portion therein when another film is on the reading transport path.

However, the loop forming section is conventionally well known in the art.

Furthermore, Shiota teaches a photo finishing system comprising a loop forming section (Fig. 4, 81).

Therefore, it would have been considered obvious to a person of ordinary skill in the relevant art employing a film loader for separating one film from a plurality of films and supplying the film to an image reading apparatus as taught by Shimamura et al to incorporate the loop forming section as taught by Shiota, to be provided at a downstream side with respect to the separating apparatus along a transportation direction of the film, and by which the film transported is bent along a substantially thickness thereof so as to form a loop-shaped portion therein when another film is on the reading transport path as an efficient way to reserve the films.

Regarding claim 5, Shimamura et al discloses a film loader for separating one film from a plurality of films and supplying the film to an image reading apparatus for reading image recorded on the film, comprising:

a film loading section for loading a spliced film in which the plurality of films are connected in a longitudinal direction thereof (Fig. 2, 42);

a film feeding portion for feeding a head portion of the spliced film loaded with the film loading section (Fig. 2, 41);

a joint detecting section (Fig. 2, 1A, 1B) for detecting a film joint portion between a first film and a second film in the spliced film on the basis of information from the joint detedction section;

a film separating section (Fig. 2, 44) for separating the first film from the spliced film on the baisi of information from the joint detecting section; and

a film transporting portion for transporting the first film separated from the spliced film to a reading transport path provided at the image reading apparatus, wherein the photo film transported by the film transporting portion is guided to the reading transport path (col. 11, lines 60-65).

Shimamura et al does not seem to disclose a reading transportation portion, an image reading section, a film accepting section, a transport merging portion, a film output path, a film output portion, and a transport switching section.

However, Shiota teaches a photo finishing system comprising:

a reading transportation portion (Fig. 4, 40) for transporting the film to the reading transport path;

an image reading section (87) for reading the image of the film that is transported along the transport path;

a film accepting section (86) for accepting the film that is subject to an image reading;

a transport merging portion (86) provided between a film transporting portion and the reading transport path;

a film output path (Fig. 4) connected to the reading transport path for guiding the film;

a film output portion (81) for outputting the film that is transported into the film output path;

a state in which the film transported by the film transporting portion (40, 41-42) is guided to the reading transport path; and

a state in which the film transported from the reading transport path to the transport merging portion is guided to the film output path (Fig. 4).

Therefore, it would have been considered obvious to a person of ordinary skill in the relevant art employing a film loader for separating one film from a plurality of films and supplying the film to an image reading apparatus as taught by Shimamura et al to incorporate the teachings as discussed above as taught by Shiota, so that the transport merging portion is provided between the film transporting portion and the reading transport path, and the transport switching section providing the state in which the film transported by the film transporting portion is guided to the reading transport path and an another state in which the film transported from the reading transport path to the transport merging portion is guided to the film output path as an efficient way to utilize the film loader, thereby saving a significant amount of costs associated with separate hardware.

Regarding claim 6, the Examiner takes official notice that a conventional scanning device can perform a prescanning according to an user's preference.

Therefore, it is considered an obvious design choice for the image reading section to perform a standard prescanning for preliminary reading when a particular type of film is transported from one end of the reading transport path, whereas the

image reading section performs a fine scanning for preliminary reading when another particular type of film is transported from another end of the reading transport path in order to selectively increase the quality of the certain photo images/films being scanned as desired by the user/operator.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

A) Mochizuki et al (4,958,169), Film handling for a laser recorder.

B) Kumura et al (5,729,328), Photographic film inspection apparatus.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn S An whose telephone number is 703-305-0099. The examiner can normally be reached on Flex hours (10).

9. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SSA
Primary Patent Examiner
7/28/04